

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 5

AN ORDINANCE

To add to the Code of Ordinances of the City of Lookout Mountain, Georgia, provisions relating to the City Court, City Judge, City Attorney, Assistant City Attorneys, City Court Clerk, arrests, summons, subpoenas, warrants, appearance bonds, forfeitures of bonds, citizens duties to assist officers, appearances before City Judge, waiver of jury trial, attendance at City Court, collection of fines, contempt of court, disposition of fines, court costs, time and places of City Court, compensation of City Judge, city court docket and related matters.

BE IT ORDAINED by the City Council of the City of Lookout Mountain, Georgia and it is hereby ordained:

Section 1. The following Chapter is herewith added to the Code of Ordinances of the City of Lookout Mountain, Georgia:

CHAPTER 4

CITY COURT

Sec. 4-1. Arrests--Violations committed in officer's presence; disposition of arrested persons.

Any person committing any offense against any provision of this Code or any other ordinance of the city in the presence of the chief of police, or other officer or any member of the council shall be immediately arrested, and a warrant for such arrest shall be secured as soon as possible. The arrested person shall be brought before the City Judge or confined in jail until the City Judge can hear such case.

Sec. 4-2. Same--On information; waiver of warrant; failure of arrested person to appear after notice.

An officer shall not make an arrest until a warrant has been issued in any case where information of an offense

against any of the provisions of this Code or other ordinances of the city is derived from another person. Any offender may, nevertheless, waive such warrant and appear upon notice at the time and place required for trial. In case such offender shall fail to appear on notice, he shall be guilty of contempt of court, and it shall be the duty of the police department to arrest and bring him to trial.

Sec. 4-3. Same--Bond as security for appearance of arrested persons; failure of bonded person to appear; forfeiture of bond.

When any officer has made an arrest of an offender against any provision of this Code or any ordinance of the city, and where a trial cannot be had immediately, the arresting officer may take bond and security for his appearance before the City Judge, or if such person fails or refuses to give such bond, the City Judge may confine such offender in jail until a trial can be had.

When a bond is taken and the offender shall fail to appear at the time appointed, the City Judge shall forfeit such bond and issue a rule against such defendant and his securities, requiring them to produce the defendant on a day to be named, or in default thereof, that judgment be entered against the defendant and such securities. Such rule shall be served on the defendant, if he is found in the city, and on the securities at least three days before the hearing; if no satisfactory defense is made to the rule, judgment shall be entered against the defendant and securities and be enforced in the same manner as executions for taxes are collected. The costs of each proceeding shall be two dollars and fifty cents.

Sec. 4-4. Same--Citizen's duty to assist officer; failure of citizen to assist officers.

It shall be the duty of any citizen to assist the mayor, or any officer of the city or any member of the council of the city

when called upon by such officer to aid in the arrest of an offender or to suppress an affray or breach of the peace.

It shall be unlawful for any person to refuse to assist any officer of the city when called upon.

Sec. 4-5. Appearance before City Judge of persons served with charges; failure to appear; penalty.

In any case where any person is charged with the violation of any of the provisions of this Code or any other ordinances of the city and a copy of charges or other citations is delivered to such person requiring him to appear before the city court at a specified time and place, it shall be the duty of such person to appear at the time and place set out in such charges or citations.

Any person failing to appear at the time and place set out in such charges or citations shall be guilty of contempt of court and, upon conviction thereof, shall be punished as provided in Section 1-8 of this Code.

Sec. 4-6. Waiver of trial by jury in certain offenses; defendants wishing trial by jury.

In cases of violation of any law of this State relating to traffic upon any public street, highway or private way when such violation takes place within the corporate limits of the city, when such offense is not in violation of any provision of this Code or any ordinance of the city and the penalty for such violation does exceed that of the grade of misdemeanor, it shall be the duty of the City Judge to obtain in writing from the defendant a waiver of trial by jury.

If such defendant shall wish a trial by jury, he shall notify the court and if reasonable cause exists he shall be immediately bound over to the court having jurisdiction to try the offense wherein a jury may be impaneled.

Sec. 4-7. Form of warrant.

The following may be the form of a warrant issued by the City Judge:

GEORGIA--Walker County, City of Lookout Mountain, Georgia.

To any lawful officer to execute and return:

Personally appeared before me _____,
an officer of said city, who being duly sworn,
makes oath and says that to the best of his knowl-
edge and belief _____ has been
guilty of a violation of the _____ Section
of the Code of Ordinances of the City of Lookout
Mountain, Georgia within the corporate limits of
said city on or about the _____ day of _____,
19____.

Sworn to and subscribed before me this the _____
day of _____, 19 ____.

Title

Sec. 4-8. Attendance of witnesses before City Court.

The attendance of witnesses may be enforced by subpoena under the same rules as in the Superior Court, and any witness who shall fail to attend the City Court after having been legally subpoenaed or who shall refuse to testify, shall be punished as provided in Section 1-8 of this Code.

Sec. 4-9. Collection of fines.

When a fine has been imposed by the City Court, the offender shall remain in custody until it is paid, or the City Judge may order execution for a fine to be enforced in the same manner as provided for the collection of taxes, or by labor on the streets or public works in the city or by confinement in the jail in his discretion.

Sec. 4-10. Contempt of court.

Any person who, during the sitting of the City Court shall be guilty of contempt of court, or who shall refuse to abide by or perform any sentence, order or judgments of the court shall be guilty of an offense, and upon conviction thereof be punished as provided in Section 1-8 of this Code.

Sec. 4-11. Disposition of city convicts or prisoners.

It shall be the duty of the chief of police to turn the convicts or prisoners of the city, who are sentenced to work on the streets, over to the councilman or other officer of the city in charge of streets who shall arrange for an appropriate officer to take charge of them and work them on the streets of the city under the same rules and regulations as govern the working of convicts in the state penitentiary.

Sec. 4-12. Court costs.

The costs in all cases tried before the City Judge shall be set in the discretion of the City Judge.

Sec. 4-13. Sessions of City Court.

The City Court shall be convened at such times as deemed necessary by the City Judge and shall sit at a place designated by him from time to time.

Sec. 4-14. Compensation for City Judge.

The City Judge shall receive such compensation as the council may from time to time set.

Sec. 4-15. Maintenance of docket.

The City Court Clerk shall keep a complete docket of all matters coming before the City Judge in his judicial capacity. The docket shall include for each defendant such information as his name, warrant and/or summons numbers, alleged offense, disposition, fines and costs imposed and whether collected, whether

committed to workhouse, and all other information that may be relevant.

Sec. 4-16. Issuances of summonses.

When a complaint of an alleged ordinance violation is made to the City Judge, the City Judge may in his discretion, in lieu of an arrest warrant being issued, issue a summons, ordering the alleged offender to personally appear before the City Court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the City Court may compel such person's presence by the issuance of a warrant for his arrest.

Sec. 4-17. Trial and disposition of cases.

Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the City Court is in session or the City Judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the Court.

Sec. 4-18. Imposition and remission of fines and costs.

All fines and costs shall be imposed by the City Judge and recorded by the City Court Clerk on the City Court docket in open court. After any fine and costs have been so imposed and recorded, the City Judge shall have no power to remit or release the same or any part thereof except when necessary to correct an error.

Sec. 4-19. Disposition and report of fines and costs.

All funds coming into the hands of the City Judge in

the form of fines, costs and forfeitures shall be recorded by him or the City Court Clerk and paid over daily to the City. At the end of each month the City Judge or the City Court Clerk shall submit to the City Council a report accounting for the collection or non-collection of all fines and costs imposed by the City Court during the current month and to date for the current fiscal year.

Sec. 4-20. Disturbance of proceedings.

It shall be unlawful for any person to create any disturbance of any trial before the City Court by making loud or unusual noises, by using indecorous, profane or blasphemous language, or by any distracting conduct whatsoever.

Sec. 4-21. Cost Fees.

The fees which shall be taxed as costs in criminal cases are:

Warrant	\$.75
Docketing	.75
Officers' cost for arrest	5.00
Judgment	1.25
Taxing cost	.50
City Court Clerk's fee	1.00
Guarding and committing to jail	2.00
Jail fee per diem	1.50
Turnkey fee	1.00 in and \$1.00 out
Continuance requiring officer	.75
Recognizance Bond	.75
Appeal Bond	5.00
Issuing Subpoena	.25
Summoning each witness	1.00
Mittimus to jail or workhouse	5.00
Arrest and guarding	2.00

Sec. 4-22. Assistant City Attorneys.

The Mayor shall appoint, from time to time, such number of, and persons as, assistant city attorneys, at such compensation as the council shall from time to time set, for such terms as he may in his discretion deem necessary or advisable. Such Assistant City Attorneys shall have such authority, duties and responsibilities as may be delegated to them by the City Attorney.

Sec. 4-23. Acting City Judge.

The Mayor shall appoint an acting City Judge, to serve without compensation, for such term as the Mayor deems advisable, to perform the duties and exercise the authority of the City Judge whenever the City Judge may be absent or temporarily disabled.

Sec. 4-24. Certain Officials to attend City Court Sessions.

All sessions of the City Court shall be presided over by the City Judge, or by an Acting City Judge, and shall be attended by the Chief of Police, or his deputy, the City Attorney, or an Assistant City Attorney and the City Court Clerk or his deputy, appointed by the City Judge or an acting City Judge.

Section 2. Severability:

If any section, subsection, sentence, or clause in this Ordinance or of the Chapter of the City Code hereby adopted be adjudged invalid, such adjudication shall not affect the validity of the Ordinance or Code as a whole or of any section, subsection, sentence, or clause hereof or thereof not adjudged invalid.

Section 3. Part of Code of Ordinances:

It is the intention of the governing body and it is hereby ordained that the provisions of this ordinance shall become

and be made a part of the Code of Ordinances of the City of Lookout Mountain, Georgia, and the sections of this ordinance may be re-numbered to accomplish such intention.

Section 4. Effective Date:

This ordinance shall be effective ten days after its adoption and approval by at least three members of the Council of this City after two readings at least one week apart.

Approved on first reading on February 3, 1969.

Jesse B Sims
Member of City Council of Lookout Mountain, Ga.

Wilbur Wettray
Member of City Council of Lookout Mountain, Ga.

John E. Smith
Member of City Council of Lookout Mountain, Ga.

Joe J. [unclear]
Member of City Council of Lookout Mountain, Ga.

Hal [unclear]
Member of City Council of Lookout Mountain, Ga.

Shenwood D. Dudley
Mayor of Lookout Mountain, Ga.

Approved and adopted on second reading on February 20, 1969.

Jesse B Sims
Member of City Council of Lookout Mountain, Ga.

Wilbur Wettray
Member of City Council of Lookout Mountain, Ga.

John E. Smith
Member of City Council of Lookout Mountain, Ga.

Joe J. [unclear]
Member of City Council of Lookout Mountain, Ga.

Hal [unclear]
Member of City Council of Lookout Mountain, Ga.

Shenwood D. Dudley
Mayor of Lookout Mountain, Ga.

ATTEST: Stanley Warner
City Clerk of Lookout Mountain, Ga.

(SEAL)

